

New York's Bail Reform Was a Necessary Step for Justice and Safety

The goals of bail reform are two-fold: to reduce the number of people in jail and to protect public safety. Data shows that bail reform in New York has succeeded in both goals.

The new law reduces the number of people incarcerated in New York jails.

Bail reform caused an immediate and dramatic decrease in the jail population across New York State. Within a year of the legislation being enacted, the number of New Yorkers in jail across the state fell by more than 30 percent to below 15,000 and admissions for misdemeanors declined by over 60 percent.¹ Because they were released without bail, thousands of New Yorkers avoided the devastating consequences of unnecessary pretrial incarceration—which include the loss of employment, housing, the ability to care for families and children, and access to quality mental health and medical care.

The new law protects public safety.

New York's bail reform law has succeeded in upholding public safety. Claims that New York's bail reform law undermines safety are based on fearmongering, not facts.

Where data exists, it indicates that pretrial rearrest rates remained nearly identical pre- and post-bail reform. Prior to bail reform, of people released pretrial in New York City in 2019, close to 86 percent were not rearrested on any felony offenses within a year.² When isolating for the most serious offenses, more than 95 percent of all people were not rearrested on violent felony charges.³ Statewide data recently released by the Office of Court Administration (OCA) shows that, between June 2020 and July 2021 after bail reform went into effect, 87 percent of people released pretrial statewide were not rearrested on any felony offenses, and more than 97 percent of people released were not rearrested on violent felony charges.⁴

Adopting a “dangerousness” standard will not make us safer.

Some elected officials and leaders are calling for New York to follow in New Jersey's footsteps and adopt a “dangerousness” standard, as New Jersey did when it passed bail reform. Comparing data between the two states suggests that adding a dangerousness standard will not improve rearrest rates or make New York safer. Of people released in 2019 under New Jersey's bail system, 14.4 percent were rearrested on a felony offense. New York's bail law, despite not allowing judges to consider dangerousness, delivered similar public safety results. In 2020 and 2021, 13.3 percent of people released pretrial in New York were rearrested on a felony offense.⁵

Furthermore, New York's bail law outperforms New Jersey in reducing the number of people behind bars. After bail reform, New York's jail incarceration rate was 102 out of 100,000 residents compared to 128 out of 100,000 in New Jersey. If New York had the same jail incarceration rate as New Jersey—a potential result of adopting New Jersey's current bail model—the data suggests that roughly 5,100 additional New Yorkers would be subjected to incarceration without any increase in public safety.⁶ That translates to thousands of lives that would be negatively and unnecessarily impacted by such changes to the law.

Investment in community solutions is crucial to address gun violence and deliver public safety.

Bail reform is not responsible for the real and worrisome rise in shootings and homicides in New York. The uptick in gun violence over the past two years is a national trend, impacting many cities that have not passed any criminal justice reform.⁷ For example, violent crime was [higher](#) in Anchorage, Alaska (violent crime rate of 11.95 out of 100,000); Memphis, Tennessee (11.07); and Lubbock, Texas (8.37); than it was in New York City (5.7). Researchers have hypothesized that the COVID-19 pandemic is one of the causes of this nationwide trend of increased shootings and homicides, as loss of family members, greater economic suffering, and overall instability negatively impact people and fray the familial and community ties they typically rely on.⁸

Data beyond the few examples above suggests that this nationwide trend has not been caused or exacerbated by bail reform. OCA data found that less than 1 percent of people released pretrial after bail reform were rearrested on a new firearm charge. A [New York Post analysis released in July 2020](#) underscores that conclusion. Although there were 528 shooting incidents in the first six months of 2020 in New York City, only one person released due to bail reform was rearrested for such an offense.

Blaming the wrong cause gets in the way of finding the right solution. Increased investments in community violence intervention programs have [proven to be effective at addressing gun violence](#) and making neighborhoods safer. Here in New York, implementation of the [Save Our Streets](#) program in Crown Heights led to an estimated 20 percent reduction in gun violence compared to adjacent police districts. Similarly, pretrial services can support people in returning to court and remaining safe in the community while pending trial. New York City's Supervised Release Program is operated by three community-based service providers at a cost of \$72 million annually. Prior to the pandemic, 87 percent of participants in the Supervised Release Program returned to court and 90 percent [had no new felony arrests during the pretrial period](#).⁹ New York should make the same level of investment across the rest of the state and build a network on community-based organizations to provide the kind of supportive pretrial services that have proven effective in New York City.¹⁰

About

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The Vera Institute of Justice is powered by hundreds of advocates, researchers, and experts working to transform the criminal legal and immigration systems until they're fair for all. Founded in 1961 to advocate for alternatives to money bail in New York City, Vera is now a national organization that partners with impacted communities and government leaders for change. We develop just, antiracist solutions so that money doesn't determine freedom; fewer people are in jails, prisons, and immigration detention; and everyone is treated with dignity. Vera's headquarters is in Brooklyn, New York, with offices in Washington, DC, New Orleans, and Los Angeles. For more information, visit vera.org.

Endnotes

¹ The statewide jail population in April 2019, at the time the legislation was enacted, was 20,651. By March 2020, the statewide jail population declined to 13,993. See: Vera Institute of Justice, *Empire State of Incarceration* (New York: Vera Institute of Justice, 2021), <https://www.vera.org/empire-state-of-incarceration-2021>.

² “DART: Data Analytic Recidivism Tool” <http://recidivism.cityofnewyork.us/index.php?m=search>.

³ NYC Mayor’s Office of Criminal Justice, “How many people with open criminal cases are rearrested?” p. 15 (June 2021) <http://criminaljustice.cityofnewyork.us/wp-content/uploads/2021/06/Pretrial-Docketed-Rearrest-Contextual-Overview-March-2021-Update.pdf>

⁴ According to Vera’s analysis of the Office of Court Administration’s data from January 2020 to June 2021. New York Courts Pretrial Release Data, <https://ww2.nycourts.gov/pretrial-release-data-33136> . (Accessed January 26, 2022).

⁵ According to Vera’s analysis of the Office of Court Administration’s data from January 2020 to June 2021. New York Courts Pretrial Release Data, <https://ww2.nycourts.gov/pretrial-release-data-33136> . (Accessed January 26, 2022).

⁶ Vera projected an increase of 5,148 more people in jail if New York were to have the same jail incarceration rate as New Jersey. This was calculated by dividing New York’s 2021 overall population, 19.8 million, by 100,000 and multiplying that figure by 26, the difference between New Jersey’s jail incarceration rate (128 out of 100,000) and New York’s (102).

⁷ Richard Rosenfeld and Ernesto Lopez, *Pandemic, Social Unrest, and Crime in U.S. Cities*, (Washington, DC: Council on Criminal Justice, 2022). <https://counciloncj.org/crime-trends-yearend-2021-update/>

⁸ Hanna Liebman Dershowitz, What’s (Really) Driving Crime In New York (New York, New Yorkers United For Justice, 2021), <https://nyuj.org/wp-content/uploads/2021/08/NYUJ-Crime-Report-2021.pdf>

⁹ NYC Mayor’s Office of Criminal Justice, “Supervised Release Annual Scorecard 2019,” https://criminaljustice.cityofnewyork.us/wp-content/uploads/2020/09/Supervised-Release-Annual-Scorecard-2019_September-2020.pdf

¹⁰ Probation agencies operate local pretrial services program in at least 43 of the 57 counties outside of New York City, despite community-based organizations having an excellent track record of providing the kind of support and services people need to succeed pretrial. Additionally, the Governor earmarked only \$10 million in funding for pretrial services across the state in the 2022 executive budget